



BILL NO: Senate Bill 129
TITLE: Access to Counsel in Immigration Proceedings Program
COMMITTEE: Judicial Proceedings
HEARING DATE: February 3, 2022
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 129.**

Senate Bill 129 establishes the Access to Counsel in Immigration Proceedings Program to be administered by the Maryland Legal Services Corporation to provide access to legal representation for certain covered individuals. The covered individuals include Maryland residents detained in the United States and not represented by counsel that earn below a set threshold. SB 129 recognizes the importance of legal representation at immigration proceedings. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants.¹ Currently, there is no right to counsel in civil matters including immigration proceedings.

Domestic violence against immigrant women is believed to be almost three times the national average.² In a 2015 survey, survivors of domestic violence state that they were afraid to call police because the police would contact immigrations authorities, that criminal charges related to the domestic violence could lead to deportation of themselves or the abuser and that they could lose custody of their children.³ Abusers use the immigration status of their victim as another way to exert power and control.⁴

There are legal pathways to lawful status for survivors of domestic violence. However, these are best navigated with the assistance of counsel. Without counsel victims of domestic violence may be unaware of

¹ Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf

² Dutton, M., Molina, R. and Young, L. (2015). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases. [online] National Immigrant Women's Advocacy Project. Available at: <http://library.niwap.org/wp-content/uploads/Powerpoint-Evidence-ofCoercive-Control-Proof-of-Extreme-Cruelty-in-Immigration-Cases-and-Power-and-Control-Dynamics-in-FamilyLaw-Cases.pdf>

³ Coker, Donna K. and Park, Sandra S. and Goldscheid, Julie and Neal, Tara and Halstead, Valerie, Responses from the Field: Sexual Assault, Domestic Violence, and Policing (October 1, 2015). University of Miami Legal Studies Research Paper No. 16-2, Available at SSRN: <https://ssrn.com/abstract=2709499> or <http://dx.doi.org/10.2139/ssrn.2709499>

⁴ Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." Georgetown Journal on Poverty Law and Policy. 7(2).

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the protections federal law avails to them and risk deportation. SB 129 takes the critical step of ensuring that those that are in immigration detention pending immigration proceedings have access to counsel. This knowledge will hopefully create the necessary trust in immigrant domestic violence survivors to come forward and seek the assistance they need.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 129.**